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PATENT

Practitioner's Docket No. NAI1P020/01.139.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Chris A. Barton et al.

Application No.: 09/916,600

Group No.: 2137

Filed: July 26, 2001

Examiner: Schubert, K.

For: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR ANTI-VIRUS
SCANNING IN A STORAGE SUBSYSTEM

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed March 22, 2005, for a second time rejecting claims 1, 2, 4-7, 10-18, 20-23, and 26-43.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. ' 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

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37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10*

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Date: 6/2/2005

Signature

Erica L. Farlow

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board—page 1 of 2

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Appeal Brief is:

Other than a small entity \$500.00

Notice of Appeal fee due \$500.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee

\$500.00

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5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$500.00 to Deposit Account No. 50-1351 (Order No. NAIIP020).

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A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NAIIP020).

Reg. No.: 41,429
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Signature of Practitioner
Kevin J. Zilka
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA

Notice of Appeal from the Primary Examiner to Board—page 2 of 2

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SAN JOSE, CA 95113TELEPHONE (408) 971-2573
FAX (408) 971-4660

FAX COVER SHEET

Date: June 2, 2005	Phone Number	Fax Number
To: Examiner Kevin R. Schubert, USPTO		(703) 872-9306
From: Kevin J. Zilka		

Docket No.: NAIIP020/01.139.01

App. No.: 09/916,600

Total Number of Pages Being Transmitted, Including Cover Sheet: 05

Message:

Please deliver to Examiner Kevin R. Schubert.

Thank you,

Kevin J. Zilka

☐ Original to follow Via Regular Mail ☒ Original will Not be Sent ☐ Original will follow Via Overnight Courier

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June 2, 2005

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